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Fresno, California

May 4, 1999

The City Council met in joint session with the Redevelopment Agency at the hour of 8:41 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting President
	Henry Perea	Councilmember (arrived later)
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Robert Quesada, City Manager's Office
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY)

APPROVE AGENCY MINUTES OF APRIL 27, 1999)

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the Agency minutes of April 27, 1999, approved as submitted.

ADOPT AGENCY CONSENT CALENDAR:

(ADD-ON) CONSIDER MATTERS RELATING TO THE KEARNEY PALMS)
SHOPPING CENTER)
1. WAIVE CONDITIONS UNDER THE DISPOSITION AND DEVELOP-)
MENT AGREEMENT FOR LIMITED PURPOSE OF PERMITTING KEARNEY)
PALMS LLC (DEVELOPER) ON THE SITE TO COMPLETE A BUILDING)
FOUNDATION, AND AUTHORIZE AND DIRECT THE EXECUTIVE DIRECTOR)
TO TAKE STEPS REASONABLY NECESSARY TO OBTAIN A FOUNDATION)
ONLY BUILDING PERMIT))
2. AUTHORIZE AND DIRECT THE EXECUTIVE DIRECTOR TO TAKE ALL)
STEPS, AND TO EXECUTE AND DELIVER ALL DOCUMENTS DEEMED)
ADVISABLE TO PERMIT THE RECORDING OF FINAL PARCEL MAP NO. 97-16)

A motion and second to approve staff's recommendation was acted upon after brief discussion with Executive Director Fitzpatrick responding to questions of President Steitz relative to legal liability for issuing a foundation only permit and prior request for information on the construction loan.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the conditions under the D&DA for limited purpose of permitting Kearney Palms LLC on the site to complete a building foundation hereby waived; and the Executive Director authorized to take steps necessary to obtain a foundation only building permit, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea
Abstain	:	Steitz

AGENCY CONSENT CALENDAR:

- (“A”) APPROVE MATTERS RELATING TO THE PREPARATION OF THE)
SOUTHEAST FRESNO REVITALIZATION REDEVELOPMENT PROJECT)
(SEFRRP)
- 1. AGENCY RESOLUTION NO. 1523 - ACCEPTING THE PRELIMINARY**)
PLAN WITH REVISED BOUNDARIES FOR THE SEFRRP AND AUTHORI-)
ZING FILING WITH APPROPRIATE AGENCIES)
- 2. AGENCY RESOLUTION NO. 1524 - AUTHORIZING THE REDEVELOP-**)
MENT AGENCY TO TRANSMIT THE DRAFT REDEVELOPMENT PLAN)
FOR THE SEFRRP TO THE PLANNING COMMISSION AND OTHER)
INTERESTED PARTIES FOR REVIEW)
- 3. AGENCY RESOLUTION NO. 1525 - AUTHORIZING THE EXECUTIVE**)
DIRECTOR TO SUBMIT THE “RULES GOVERNING PARTICIPATION BY)
PROPERTY OWNERS AND THE EXTENSION OF REASONABLE PREFER-)
ENCES TO BUSINESS OCCUPANTS IN THE SEFRRP” TO THE HOUSING)
AND COMMUNITY DEVELOPMENT COMMISSION AND OTHER INTERESTED)
PARTIES FOR REVIEW)
- 4. AGENCY RESOLUTION NO. 1526 - AUTHORIZING THE EXECUTIVE**)
DIRECTOR TO TRANSMIT TO AFFECTED TAXING ENTITIES THE PRE-)
LIMINARY REPORT FOR THE SEFRRP)
- 5. AGENCY RESOLUTION NO. 1527 - MAKING REQUIRED FINDINGS TO**)
INCLUDE AGRICULTURAL LAND WITHIN THE SEFRRP)
- 6. CITY COUNCIL RESOLUTION NO. 99-111 - FINDING AND DETERMINING**)
THAT A PROJECT AREA COMMITTEE (PAC) NEED NOT BE FORMED IN)
RELATION TO THE PROPOSED SEFRRP)
- (“B”) APPROVE MATTERS RELATING TO THE AIRPORT AREA REVITALI-)
ZATION (AAR))
- 1. AGENCY RESOLUTION NO. 1528 -AUTHORIZING THE EXECUTIVE**)
DIRECTOR TO TRANSMIT TO AFFECTED TAXING ENTITIES THE PRE-)
LIMINARY REPORT FOR THE AAR)

2. CITY COUNCIL RESOLUTION NO. 99-112 - FINDING AND DETERMINING THAT A PROJECT AREA COMMITTEE (PAC) NEED NOT BE FORMED IN RELATION TO THE PROPOSED AAR))

(“C”) APPROVE MATTERS RELATED TO THE SOUTH FRESNO INDUSTRIAL REVITALIZATION REDEVELOPMENT PROJECT (SFIRRP))

1. AGENCY RESOLUTION NO. 1529 - AUTHORIZING THE EXECUTIVE DIRECTOR TO TRANSMIT TO AFFECTED TAXING ENTITIES THE PRELIMINARY REPORT FOR THE SFIRRP)

2. AGENCY RESOLUTION NO. 1530 - MAKING REQUIRED FINDINGS TO INCLUDE AGRICULTURAL LAND WITHIN THE SFIRRP AREA)

3. CITY COUNCIL RESOLUTION NO. 99-113 - FINDING AND DETERMINING THAT A PROJECT AREA COMMITTEE (PAC) NEED NOT BE FORMED IN RELATION TO THE PROPOSED SFIRRP)

Redevelopment Administrator Murphey submitted technical corrections to Resolution Nos. A-5, A-6, B-2, C-2 and C-3, which were accepted for the record. A motion to adopt the above entitled resolutions in Items “A”, “B”, and “C” was acted upon after discussion, with Director Fitzpatrick, Consultant O’Neil, Ms. Murphey and City Attorney Montoy responding to questions of Councilmember Quintero relative to the Southeast Fresno Revitalization Redevelopment Project process, timeline, and legality of proceeding. Councilmember Quintero stated additional specific support evidence data on the economic and physical blight factors was needed so that in the future, should the process continue to move forward and be approved, it is not challenged by Fresno County or a citizen.

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **Agency Consent Calendar** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Perea

(“D”) AWARD CONTRACT FOR IMPROVEMENTS AND LANDSCAPING AT THE INTERSECTIONS OF TULARE AND “E”, TULARE AND “G”, KERN AND “E”, AND KERN AND “G” STREETS))

Laid over one week.

(“E”) DISCUSS REDEVELOPMENT AGENCY POLICY REGARDING THE PRIORITIZATION AND APPROVAL OF CITY-WIDE PROJECTS IN RELATION TO THEIR IMPACT ON THE GEOGRAPHICALLY DEFINED DOWNTOWN AREA - VICE CHAIR PEREA))

Laid over 30 days.

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The joint bodies adjourned at 8:56 a.m. and the City Council convened in regular session at the hour of 9:00 a.m.

Reverend Bernard Guekguezian, First Armenian Presbyterian Church, gave the invocation.

Central Unified School District Superintendent Keledjian led the Pledge of Allegiance to the Flag.

- COMMENDATION TO TENAYA MIDDLE SCHOOL STUDENTS)
- PARTICIPATING IN THE WATER CONSERVATION FAIR - ACTING)
- PRESIDENT MATHYS)
- PROCLAMATION OF "CERTIFIED WATER AWARE SCHOOL" - ACTING)
- PRESIDENT MATHYS)
- RESOLUTION OF COMMENDATION TO CHANAE HARDAMON, LIDDELL)
- ELEMENTARY SCHOOL, AND CLIFFORD HAUENSTEIN, SANGER JACKSON)
- ELEMENTARY SCHOOL - ACTING PRESIDENT MATHYS)
- PROCLAMATION OF "ELDER ABUSE PREVENTION AWARENESS MONTH"-)
- COUNCILMEMBER RONQUILLO)
- PROCLAMATION OF "NORA ROCHA, EXCELLENCE IN EDUCATION DAY" -)
- COUNCILMEMBER RONQUILLO)
- PROCLAMATION DECLARING MAY 6, 999, AS "SUICIDE AWARENESS DAY" -)
- MAYOR PATTERSON AND COUNCILMEMBER BREDEFELD (2 - 0))
- PROCLAMATION OF "PRESERVATION WEEK")
- PROCLAMATION OF "VOLUNTEERS IN PAROLE WEEK")
- PROCLAMATION OF "VOLUNTEER RECOGNITION DAY" - MAYOR)
- PATTERSON)
- 1. PRESENTATION OF CERTIFICATES OF RECOGNITION TO VOLUNTEER)
- OF THE YEAR WINNERS - COUNCILMEMBER BREDEFELD)
- PROCLAMATION OF "FRIENDS OF THE MARJAREE MASON CENTER DAY")
- RESOLUTION OF COMMENDATION TO VIRGINIA ROCCA - MAYOR)
- PATTERSON AND CITY COUNCIL)
- PROCLAMATION OF "BE KIND TO ANIMALS WEEK")
- PROCLAMATION OF WATER AWARENESS MONTH - PRESIDENT STEITZ)

PROCLAMATION DECLARING MAY 6, 1999, TO BE "NATIONAL DAY OF PRAYER" - MAYOR PATTERSON AND PRESIDENT STEITZ))

The above proclamations and commendations read and presented.

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(10:00 A.M.) PRESENTATION OF EMPLOYEE SERVICE AWARDS)
(2ND FLOOR FOYER - RECEPTION IMMEDIATELY FOLLOWING))

The Council recessed at the hour of 10:07 a.m. to present service resolutions to employees with 10, 15, 20, 25, 30 and 35 years of City service and convened in regular session at 10:50 a.m. Councilmembers Bredefeld and Quintero arrived later.

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APPROVE COUNCIL MINUTES OF APRIL 27, 1999)

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the minutes of April 27, 1999, approved, as amended, on Page 133-233, Agency Item "F", correcting and showing Member Steitz absent during the vote instead of voting "Aye".

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APPROVE AGENDA:

On motion of President Steitz, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Bredefeld, Quintero

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ADOPT CONSENT CALENDAR:

(1A-1) APPROVE A NEW LEASE AGREEMENT WITH COMPREHENSIVE)
YOUTH SERVICES FOR A CITY-OWNED RESIDENCE LOCATED AT 3654)
E. SANTA ANA AVENUE FOR A TERM OF FIVE YEARS AT A RENTAL RATE)
OF \$1.00 PER YEAR; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO)
EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY)

(1A-2) **RESOLUTION NO. 99-114** - APPROVING THE FINAL MAP AND SUB-DIVISION AGREEMENT FOR TRACT NO. 4796, PHASE III OF VESTING TENTATIVE TRACT NO. 4421/UGM 505, PROPERTY LOCATED ON THE SOUTHEASTERLY SIDE OF W. RIVER VISTA DRIVE AND THE EASTERLY SIDE OF W. ALLUVIAL AVENUE, AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN)
)
)
)
)
)
)
a. RESOLUTION NO. 99-115 - CERTIFYING THAT PROVISIONS HAVE BEEN MADE FOR SEGREGATION OF THE EXISTING ASSESSMENTS TO EACH OF THE NEW LOTS BEING CREATED BY TRACT NO. 4796)
)
b. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN)
)
)
c. AUTHORIZE THE PUBLIC WORK DIRECTOR TO EXECUTE THE SUB-DIVISION AGREEMENT AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE)
)
)

On motion of President Steitz, seconded by Acting President Mathys, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Bredefeld, Quintero

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(10:20 A.M.) DISCUSS FISCAL AND ADMINISTRATIVE IMPACTS OF A BILL RELATING TO THE ESTABLISHMENT OF RESIDENTIAL WATER RATES - ACTING PRESIDENT MATHYS)
)
1. *BILL - AMENDING THE FRESNO MUNICIPAL CODE MODIFYING THE CRITERIA TO ESTABLISH RESIDENTIAL WATER RATES)
)
)

Councilmember Quintero returned to the meeting at 10:52 a.m. Acting President Mathys briefly reviewed the issue stating this would drop the metering system process from 9,000 square foot lots to 6,000; noted he placed the issue on the agenda due to discussions with Mr. Kevin Leone, a constituent with an oversized lot; and requested the City Clerk read a letter from Mr. Leone into the record, a copy of which is on file in the office of the City Clerk

President Steitz requested the letter be entered into the record as being in support of voluntary water meters, and noted according to the staff report Mr. Leone's request, if approved, would add a net increase in overall costs to operate the system, with Water Systems Manager McIntyre responding and confirming staff felt it was inappropriate. Councilmember Bredefeld returned to the meeting at 10:55 a.m.

A motion and second to postpone the issue indefinitely was acted upon after brief comments by Councilmember Ronquillo.

On motion of Councilmember Perea, seconded by President Steitz, duly carried, RESOLVED, a call for the question approved and debate on the issue hereby closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	Mathys
Absent	:	None

On motion of President Steitz seconded by Councilmember Ronquillo, duly carried, RESOLVED, the matter postponed indefinitely, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	Mathys
Absent	:	None

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(10:30 A.M.) REPORT FROM CITY ATTORNEY REGARDING THE MULTI-)
PURPOSE DOWNTOWN STADIUM AND COUNCIL DIRECTION - PRESIDENT)
STEITZ)

President Steitz briefly reviewed the issue and noted receipt of a letter from Mr. Motschiedler, attorney for the Diamond Group; stated it was clear the Diamond Group could not complete the deal; and stressed there was no point in wasting tens of thousands of dollars and now was the time to bring the public model forward.

City Attorney Montoy gave a brief update; (3 - 0) stated it was the Diamond Group's role to come up with a way to resolve the blockage issue-- not the City's; and advised another letter had just been received via facsimile indicating Mr. Motschiedler would attempt to set up a conference, in person or by phone, with counsel for the City, ACA, and the Diamond Group to resolve the issue. President Steitz expressed his concern with the offer to now set up a meeting after two weeks had passed, and presented questions relative to implications of the letter and timeline and process to submit all the documents, with Ms. Montoy responding.

Councilmember Perea noted a June 22nd deadline had been set, recommended the City suspend all actions, prepare a public model proposal, and wait for the Diamond Group to respond in the interim. President Steitz. stated delaying the issue until June would give a false impression that the deal was still alive; stressed the documents would not be ready by then; and emphasized the Diamond Group had been stringing the City along since December. Councilmember Perea stated time was not an issue at this point and reiterated his recommendation that discussions be suspended and Council follow both tracks with a public model.

A. Mullaly, 331 S. Dearing, spoke in opposition to the Diamond Group and the stadium and recommended another use at the stadium site.

Councilmember Ronquillo, using a graphic to illustrate, recommended direction be given to the City Attorney for negotiations to remove the blockage provision and reconsider and bring back a reserve or financial security gap, stating that would resolve the whole issue and explained.

Upon question of Ms. Montoy, consent was given to meet with ACA and the Diamond Group.

Upon question of Councilmember Bredefeld, Ms. Montoy stated it would be extremely complicated to have all documents ready by the June 22nd deadline. Councilmember Bredefeld expressed his strong concern that the Diamond Group was not present; stated what they were saying in their letter was “your problem—you deal with it”; stressed the Diamond Group had a major part in why the deal was not getting done; emphasized the community needed to be aware that Council had done everything possible on their part; stated it was very evident that the City could not work with the Diamond Group because they could not perform; briefly commented on the Save Mart arena and involvement of the business community stating the City erred in not getting them involved in the stadium deal; and directed consideration of the public model be set on the agenda in one week.

Paul Deffenbach, Chamber of Commerce Member, stated he shared Council’s frustration and spoke in support of Councilmember Perea’s recommendation for a dual track and moving forward.

Upon question of Councilmember Quintero, President Steitz stated he would schedule the issue of a public model stadium in one week at a time certain. Ms. Montoy stated she would meet within the week with the Diamond Group and ACA and there was no need for Council to take any action this date. Councilmember Quintero requested it be made very clear to the Diamond Group that the issue would not continue to be dragged on.

Upon question of Councilmember Boyajian, Ms. Montoy stated Councilmember Ronquillo’s recommendation for a reserve was not in the parameters of the December 1st Council direction, and upon further question stated the issue would be scheduled in one week wherein other options could be explored or further direction given.

Acting President Mathys directed staff to schedule in one week direction to the City Attorney to require the Diamond Group to make public by May 15, 1999, all financial information and tax records any ordinary citizen would have to provide to qualify for a loan.

Councilmember Ronquillo made a motion to suggest to the Diamond Group and ACA that the blockage be replaced with a reserve, which was seconded and acted upon after additional discussion.

Mayor Patterson spoke to the issue stating he appreciated the frustrations expressed (**4 - 0**) and encouraged Council to look at a publicly-owned stadium stating the public interest would be served first and there would be no subsidy or gift of public funds adding the public model had and continued to have his support.

Councilmember Bredefeld stated he would not support the motion emphasizing it would only muddle what was already on the table and approved; stressed this would create greater confusion and give the impression that the City was changing the deal; and emphasized the City needed to stay clear and focused on the December 1st deal and expect the Diamond Group to follow through on their commitment. Councilmember Ronquillo clarified the reserve would be a private issue with ACA and would be an opportune way to stay reasonable in concluding what was agreed to in December.

A motion of Councilmember Ronquillo, seconded by Councilmember Perea, to recommend to the Diamond Group and ACA that the blockage be replaced with a reserve failed, by the following vote:

Ayes	:	Boyajian, Perea, Ronquillo
Noes	:	Bredefeld, Quintero, Steitz, Mathys
Absent	:	None

Mayor Patterson if he would accept a majority's support for a public model, if he would still want the issue placed on the ballot, and if he would work with or against a Council majority. Mayor Patterson stated the issue could still be placed on the ballot and explained; emphasized that would be a standard, routine approach and the appropriate way to proceed, noted with five votes Council could move forward; asked this not be an "either/or" matter; and requested Council look at ways stadiums have been built with a vote of the people adding the community was up to making the decision. Brief discussion ensued.

President Steitz stated the issue would be scheduled in one week at 10:00 a.m. and it was irrelevant to speculate until something was brought back and approved; stated he felt it was out of line to ask the Mayor what he would support until then; and added the City's administration would continue to support Council as they have with neighborhood improvement projects. President Steitz left the meeting at 12:01 p.m. and returned after the lunch recess.

Mayor Patterson reiterated he understood Council's frustrations, stated considering a public stadium plan was moving in the right direction, and encouraged Council to continue in that right direction because it would get the City closer to where it wanted to be.

Acting President Mathys directed his issue of preparing a ballot measure (scheduled for June 29th) also be scheduled and considered in one week, and added his support had always been for a public model owned by the taxpayers with a vote of the people.

Councilmember Ronquillo stated he was insulted with Mayor Patterson's comments accusing Council of giving public funds and being amateurs, and reminded the Mayor of his support of a \$9 million grant to the Diamond Group in 1993 and questioned what the difference was.

A motion and second to adjourn for lunch was made. Controller Souza advised in light of discussions this date, information requested by Council and set for 2:00 p.m. on May 25th would not be ready as an underwriter still needed to be hired and appraisals conducted. There was no further discussion and consensus was to hear the 11:00 a.m. item.

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(11:00 A.M.) CONTINUED HEARING ON REZONING APPLICATION NO.)
R-99-012, FILED BY J. RISE RICHTER, PROPERTY LOCATED AT 7150 N.)
MILBURN AVENUE)
1. BILL NO. B-34 - ORDINANCE NO. 99-31 - AMENDING THE OFFICIAL)
ZONE MAP TO REZONE FROM C-P/EA/UGM/CZ TO C-P/EA/UGM/CZ WITH)
MODIFIED CONDITIONS)

Acting President Mathys announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Beach reviewed the staff report as submitted; stated there were concerns and opposition to the project and explained; advised staff found no evidence potential hazards existed in the area; and recommended approval subject to the applicant's letter.

commented on the safety aspects and also requested a copy of Caltran's concurrence on the project; and Peggy Pedersen, 7320 N. McCampbell Drive, who stated her opposition was to the location.

Dirk Poeschel, representing the applicant, spoke in support of the project and addressed concerns expressed.

Upon call, no one else wished to be heard and Acting President Mathys closed the public testimony portion of the hearing.

Mr. Beach responded to Council questions relative to staff recommendation in addressing the safety issues, flying at night, day care hours of operation, and staff and property owners acceptance of adequately addressed safety issues. A motion and second to approve staff's recommendation was acted upon after brief discussion with Mr. Beach responding to questions of Councilmember Boyajian relative to proximity of a medical facility near the project, accident statistics, and types of planes that utilize the airport.

On motion of Councilmember Boyajian, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a call for the question approved and debate on the issue hereby closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Mathys
Noes	:	None
Absent	:	Steitz

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the categorical exemption for Environmental Assessment No. R-99-012 hereby approved; and the above entitled Bill No. B-34 adopted as Ordinance No. 99-31, with modified conditions as identified in Dirk Poeschel's letter attached to the staff report dated 4/26/99, by the following vote:

Ayes	:	Mathys, Boyajian, Bredefeld, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

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LUNCH RECESS - 12:28 P.M. - 2:11 P.M. Councilmember Ronquillo arrived later.

(5F) RESOLUTION NO. 99-116 - SUPPORTING ACA 11, RELATIVE TO)
PROVIDING LOCAL GOVERNMENT RELIEF IN REGARD TO PROPERTY)
TAX REVENUE SHIFT OF STATE ERAF FUNDS - COUNCILMEMBER)
BREDEFELD)

Councilmember Bredefeld briefly reviewed the issue stating this would support former-Councilmember Briggs' legislation to get ERAF money that the State of California takes from the City and return it back to City and County government, and made a motion to adopt the resolution, which was seconded by President Steitz who advised he supported the legislation but would not support the resolution stating Council should not get involved and place various State legislation on the agenda to vote on, and also emphasized the legislation could, and probably would, change when it goes before committees and if those changes were for the worst, Council would be on record supporting it.

entitled Resolution No. 99-116 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Mathys
Noes	:	None
Absent	:	Ronquillo
Abstain	:	Steitz

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(5A) DIRECT THE CITY MANAGER TO DIRECT CODE ENFORCEMENT)
TO CONDUCT A CODE SWEEP ON ALL VIOLATIONS THAT ARE VISUAL)
FROM THE STREET ON PROPERTIES LOCATED AT: (1) S. ORANGE)
AVENUE BETWEEN BUTLER AND CALIFORNIA AVENUES, AND (2) THE)
AREA BOUND BY HUNTINGTON BOULEVARD, KINGS CANYON, MAPLE)
AND CHESTNUT AVENUES)
1. CODE ENFORCEMENT TO CHECK WITH THE BUSINESS LICENSE)
DIVISION ON ALL COMMERCIAL PROPERTY TO ENSURE BUSINESSES)
HAVE A CURRENT, UP TO DATE LICENSE WITH PAID/CURRENT FEES)
2. *BUSINESSES TO BE CLOSED UNTIL FEES ARE PAID AND CURRENT -)
COUNCILMEMBER QUINTERO)

Briefly reviewed and direction made by Councilmember Quintero who stated this was not intended to be anti-business but was to help the existing law abiding businesses (**5 - 0**), and briefly commented on problems over the years. City Attorney Montoy clarified all procedures in the Code would be followed prior to closing businesses. With direction made, there was no further discussion.

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(5B) DIRECT CITY MANAGER TO DIRECT CODE ENFORCEMENT TO ISSUE)
CITATIONS TO PROPERTY OWNERS WHO SET OUT TRASH AND DEBRIS)
ON THE CURB PRIOR TO THE 7-DAY PICK-UP DESCRIBED BY THE)
ORDINANCE FOR OPERATION CLEAN-UP - COUNCILMEMBER QUINTERO)

Briefly reviewed by Councilmember Quintero who stated the problem was city-wide and staff needed to start enforcing. Councilmember Ronquillo arrived at 2:21 p.m. Brief discussion ensued on utilizing the administrative citation process with City Attorney Montoy and Deputy City Attorney Slater clarifying and responding to questions.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, the City Manager to direct Code Enforcement staff to issue citations to property owners who set out trash and debris on the curb prior to the 7-day pick-up described by the ordinance for Operation Clean-Up, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	Mathys
Absent	:	None

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(5C) REQUEST CITY MANAGER AND CITY ATTORNEY TO (1) DIRECT STAFF)
TO STUDY EXISTING ORDINANCE OR AMEND THE ORDINANCE TO ALLOW)
CITIZENS ON PATROL (COPs) PROGRAM THE ABILITY TO ENFORCE AND)
CITE RESIDENTIAL AND BUSINESS VIOLATORS WHO PARK VEHICLES)
ON THE LAWN THAT ARE VISIBLE FROM THE STREET, AND (2) BEGIN)
IMPLEMENTATION AS SOON A POSSIBLE - COUNCILMEMBER QUINTERO)

Councilmember Quintero reviewed and requested staff to look into the issue. President Steitz stated his support, suggested utilizing any other citizen group that wanted to volunteer, and requested information on liabilities, with City Attorney Montoy stating she would report back. Councilmember Quintero clarified COP's were chosen as they were uniformed and brief discussion ensued.

Councilmember Ronquillo expressed his concern with the liability aspect and commented on potential situations and confrontations on the part of both the violator and citation-issuer. Upon question of Councilmember Boyajian, Ms. Montoy stated all legal aspects including specialized training would be looked into.

President Steitz briefly commented on the City of Stockton's program noting 90% of their violations were taken care of after a first written mailing/warning. Acting President Mathys stated the request showed leadership and expressed his support for utilizing uniformed volunteers.

On motion of Councilmember Quintero, seconded by Acting President Mathys, duly carried, RESOLVED, the City Manager and City Attorney to direct staff to study the existing ordinance or amend the ordinance to allow Citizens on Patrol (COPs) Program the ability to enforce and cite residential and business violators who park vehicles on the lawn that are visible from the street and begin implementation as soon as possible, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Steitz, Mathys
Noes	:	Ronquillo
Absent	:	None

Councilmember Ronquillo stated he would support the issue once he saw the actual verbiage.

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(5D) RESOLUTION NO. 99-117 - SUPPORTING AB 938, RELATING TO THE)
DEVELOPMENT OF A DOWNTOWN ECONOMIC REVITALIZATION ACTION)
PROGRAM, *AS AMENDED* - COUNCILMEMBER RONQUILLO)

Briefly reviewed by Councilmember Ronquillo who advised the grant would be \$125,000 contingent upon match funds, and requested Council's support. President Steitz reiterated, as explained in Item 5F earlier, he would not support the resolution as the legislation could change.

A motion and second to adopt the resolution was acted upon after brief discussion.

regulations within the legislation and recommended the Bill be amended to allow the City to provide in-kind contributions towards the match as outlined staff's report, including the Redevelopment Agency, as a possible matching source since the grant would be for downtown revitalization activities. Councilmember Ronquillo accepted the proposed amendment.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 99-117 hereby adopted, as amended, to request AB 938 be amended to allow the City and/or Redevelopment Agency to provide in-kind contributions towards the dollar-to-dollar match, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Mathys
Noes	:	None
Absent	:	None
Abstain	:	Steitz

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(5E) REQUEST THE CITY MANAGER TO DIRECT STAFF TO PROVIDE LIST)
OF ALL CITY-OWNED VACANT LAND OR AVAILABLE CITY BUILDINGS)
WITHIN DOWNTOWN FRESNO FOR POSSIBLE LOCATION OF THE CITY OF)
FRESNO PEACE OFFICER'S MUSEUM - COUNCILMEMBER RONQUILLO)

Councilmember Ronquillo briefly reviewed the issue and made his request citing other cities who have a Peace Officer's museum; stated this would be a way to recognize what policing units in Fresno, including the Sheriff's Department, do for the community; noted a museum would be beneficial for Fresno and had community support; stated the building did not have to be extravagant, and made a motion to approve direction. Councilmember Quintero briefly left the meeting at 2:45 p.m.

Councilmember Perea stated the only way he would support the request was if the Fresno Police Officer's Association (FPOA) was prepared to pay full market value for the property. Councilmember Ronquillo clarified FPOA was not involved in the issue. Councilmember Ronquillo responded to questions of Councilmember Perea and President Steitz on who would operate the museum and who made the initial request, advising Chaplain Dave McNeil representing FPOA and the Sheriff's Department made the request to see if there would be any preliminary support, and reiterated reasons and need for a Peace Officer's Museum in Fresno. President Steitz requested the motion be amended to include Agency-owned property.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the City Manager to direct staff to provide a list of all city-owned **and Agency-owned** vacant land or available buildings within downtown Fresno for possible location of a Fresno Peace Officer's Museum, by the following vote:

Ayes	:	Boyajian, Bredefeld, Ronquillo, Steitz, Mathys
Noes	:	Perea
Absent	:	Quintero

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(5G) DIRECT THE CITY MANAGER TO REQUEST ALL INFORMATION AND)
DOCUMENTS NECESSARY TO CONDUCT AN INDEPENDENT AUDIT OF)
THE FRESNO CITY AND COUNTY WORKFORCE DEVELOPMENT BOARD -)
PRESIDENT STEITZ)

Briefly reviewed by President Steitz who stated he did not think an expense needed to be incurred for a full-blown audit; requested a third party notice to the City that the Workforce Development Board (WFDB) was expending funds in accordance with Federal and State regulations; and made a motion to direct the City Manager to request all information necessary to verify the funds were being expended accordingly. Councilmember Ronquillo offered a second to the motion with an amendment to request the WFDB appear before Council and explain how \$3 million was returned to the State. President Steitz stated he would not accept the amendment and recommended Councilmember Ronquillo schedule that issue separately. Councilmember Quintero returned to the meeting at 2:51 p.m.

Cindy Merzon, Workforce Development Board, stated she was willing to provide any and all information showing how they were managing funds and would also submit their audit of last year's expenditures as soon as it was received.

On motion of President Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the City Manager directed to request/obtain information to verify funds being expended by the Workforce Development Board are in accordance with Federal and State regulations, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

Councilmember Ronquillo directed staff to schedule on the May 11th agenda at 11:00 a.m. a request to the Workforce Development Board to explain the return of \$3 million dollars to the State.

An Attorney for the WFDB requested clarification of the motion with President Steitz and Councilmember Ronquillo explaining the requests and direction.

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(5H) CONFIRM COUNCIL SUPPORT FOR CONTINUED RELATIONSHIP WITH)
THE FRESNO FALCON'S AT SELLAND ARENA - COUNCILMEMBER PEREA)

Councilmember Perea noted the City was at the point to consider renewal of the Fresno Falcon's lease; noted they operated at a loss last year; requested Council direction; and clarified his request was to support them remaining at Selland Arena including a long-term 3-4 year lease arrangement with direction to increase their marketing efforts.

Councilmember Ronquillo stated his support for the City doing all it could to keep the Fresno Falcons in Fresno. President Steitz questioned if Council wanted to continue subsidizing Bud Long and the Falcon's, and advised \$300,000 was being subsidized a season emphasizing that was not good public policy. Councilmember Bredefeld stated an analysis was needed on how much the Falcon's have lost stating numbers in the staff report were unclear; stated his support for doing everything to keep as many sports teams and recreational activities here as possible citing quality of life; and noted he did have a concern with continually subsidizing the Falcon's yet at the same time felt the City needed to partner with them and work to help them be successful. Councilmember Quintero requested background information and prior staff reports from when the issue was last discussed. **(6 - 0)**

Councilmember Perea requested he and President Steitz work together on crafting the item for consideration and recommended Council first decide whether the City should continue dealing with hockey and if yes, to what extent and explained. President Steitz noted the issue would be scheduled for discussion in two weeks to consider if this was an issue of public subsidy, and stated the other issue that needed to be brought up was if the Fresno State Arena would have ice stating his concern was subsidizing the Fresno Falcons for another 2-3 years and then they leave for Fresno State, with Councilmember Perea stating it was unfair to make that statement at this time. Acting President Mathys requested the owner of the Falcon's be informed and appear in two weeks for his input. There was no further discussion.

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REQUEST CITY MANAGER TO REPORT BACK ON BIDDING PROCEDURE)
FOR HEAVY EQUIPMENT OVER 1-TON - COUNCILMEMBER RONQUILLO)

Request made.

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CLOSED SESSION:

(7A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:)
1. MURILLO AND GOLDEN EAGLE V. CITY OF FRESNO)
2. ESTATE OF NAVARRO V. COF)
3. RAMONA ORTEGA V. COF, ET AL.)
4. SUNNYSIDE PROPERTY OWNERS AND SUNNYSIDE VILLAGE HOME-)
OWNERS ASSOCIATION V. COF AND DAVID OCHOA)

The Council met in closed session at the hour of 3:10 p.m. in Room 2125 to consider the above issues and adjourned thereafter.

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133-266

5/4/99

ADJOURNMENT

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There being no further business to bring before the Council and hearing no objections, Acting President Mathys declared the meeting adjourned.

DATED this _____ day of _____ 1999.

Chris Mathys, Acting Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk

133-267

5/4/99